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Attorneys for James M. Rhodes

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,

Reorganized Debtors

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

**JAMES RHODES' NOTICE OF
APPEAL**

☒ Affects all Debtors

☐ Affects the following Debtors

Pursuant to 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001 *et seq.*, James M. Rhodes ("Rhodes"), through counsel, hereby appeals from the *Order Sustaining Reorganized Debtors' Objection to James Rhodes' Entitlement to the Tax Claim Found in Proof of Claim No. 814-33* (the "**Order**") entered in this case by the Honorable Linda B. Riegle on November 16, 2010 [Docket No. 1318], a true and correct copy of which is attached hereto.

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Party

Attorneys

Reorganized Debtors

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Natalie M. Cox
Kolesar & Leatham, CHTD
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Other interested parties to this appeal may include the following:

U.S. Trustee

Edward M. McDonald
Office of the U.S. Trustee
300 Las Vegas Blvd., So. STE 4300
Las Vegas, Nevada 89101
Telephone No. (702) 388-6600
E-Mail: edward.m.mcdonald@usdoj.gov

DATED this 30th day of November, 2010.

/s/ Kevin N. Anderson

Kevin N. Anderson
FABIAN & CLENDENIN
Attorneys for James M. Rhodes

EXHIBIT A

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Entered on Docket
November 16, 2010

Hon. Linda B. Riegle
United States Bankruptcy Judge

AKIN GUMP STRAUSS HAUER & FELD LLP
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New York, New York 10036
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Counsel for Reorganized Debtors

Counsel for Reorganized Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

THE RHODES COMPANIES,
LLC, aka "Rhodes Homes," *et al.*,

Reorganized Debtors.¹

§ Case No. 09-14814-LBR
§ (Jointly Administered)
§
§ Chapter 11
§
§ Hearing Date: 11/4/2010
§ Hearing Time: 9:30 a.m. (PST)
§ Courtroom 1

¹ The Reorganized Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Heritage Land Company, LLC (2918); The Rhodes Companies, LLC (3060); Rhodes Ranch General Partnership (1760); Tick, LP (0707); Glynda, LP (5569); Chalkline, LP (0281); Batcave, LP (6837); Jackknife, LP (6189); Wallboard, LP (1467); Overflow, LP (9349); Rhodes Ranch Golf and Country Club (9730); Tuscany Acquisitions, LLC (0206); Tuscany Acquisitions II, LLC (8693); Tuscany Acquisitions III, LLC (9777); Tuscany Acquisitions IV, LLC (0509); Parcel 20 LLC (5534); Rhodes Design and Development Corp. (1963); C&J Holdings, Inc. (1315); Rhodes Realty, Inc. (0716); Jarupa LLC (4090); Elkhorn Investments, Inc. (6673); Rhodes Homes Arizona, LLC (7248); Rhodes Arizona Properties, LLC (8738); Tribes Holdings LLC (4347); Six Feathers Holdings, LLC (8451); Elkhorn Partners, A Nevada Limited Partnership (9654); Bravo Inc. (2642); Gung-Ho Concrete, LLC (6966); Geronimo Plumbing, LLC (6897); Apache Framing, LLC (6352); Tuscany Golf Country Club, LLC (7132); Pinnacle Grading, LLC (4838).

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Upon consideration of the pleadings filed by the parties with respect to this matter; and the Court having jurisdiction to consider the Reorganized Debtors' Objection² and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed the Reorganized Debtors' Objection; the Court hereby finds and determines that, pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure, due and proper notice has been provided to the holder of the Proof of Claim attached as Exhibit A to the Reorganized Debtors' Objection and all other parties entitled to notice; and no other or further notice is necessary; therefore IT IS HEREBY ORDERED THAT:

1. For the reasons stated on the record at the hearing held on November 4, 2010, the Tax Claim in the total amount of \$9,729,151 is hereby disallowed and expunged from the Debtors' claims register;

2. With respect to the remaining claims, there will be a status conference on December 17, 2010 at 9:30 a.m., which counsel may attend telephonically; and

3. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Objection.

1 PREPARED AND SUBMITTED BY:

2
3 By: 

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9 and

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16 *Counsel for Reorganized Debtors*

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LR 9021(c) Certification:

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court has waived the requirement set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

<u>Party</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Failed to Respond</u>
Edward M. McDonald, Esq., Office of the U.S. Trustee	_____	_____	_____X_____
Kevin N. Anderson, Esq.	_____X_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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